

STECKLER GRESHAM COCHRAN PLLC

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Attorney for Defendant

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MANHATTAN CRYOBANK, INC.,

Plaintiff,

For an Order Pursuant to Article 75 of
CPLR Confirming Arbitration Award

-against-

MEGAN HENSLEY, Individually and as next of
Friend of S.J.E., a Minor,

Defendant.

CASE NO.:

**DEFENDANT'S NOTICE OF
REMOVAL**

DEFENDANT'S NOTICE OF REMOVAL

NOW COMES Defendant Megan Hensley, Individually and as next of Friend of S.J.E., Minor ("Defendant"), and pursuant to 28 U.S.C. § 1446(a), files this Notice of Removal of said cause (the "Notice") from the Supreme Court of the State of New York County of New York, and in support thereof respectfully show the Court as follows:

**I.
INTRODUCTION**

1. On March 19, 2019, Plaintiff Manhattan Cryobank, Inc. (“Plaintiff”) filed its Verified Petition to Confirm Arbitration Award (“Petition”) in the Supreme Court of the State of New York County of New York, docketed as Index No. 651601/2019 (“State Court Action”). Plaintiff has named Megan Hensley, individually and as next friend of S.E. as Defendant. A true and correct copy of the Petition is attached as **Exhibit A**.

2. Although counsel for Defendant was known to Plaintiff, counsel for Plaintiff executed a Request for Judicial Intervention affirming that Defendant was unrepresented. See **Exhibit B**.

3. Defendant was personally served with Plaintiff’s Petition on March 20, 2019. See **Exhibit C**.

4. In the Petition, Plaintiff seeks an order confirming an arbitral award delivered on August 8, 2018 in the amount of \$88,700.

5. On April 9, 2019, Defendant filed a Verified Answer with the Court which is attached as **Exhibit D**.

**II.
DIVERSITY JURISDICTION UNDER 28 U.S.C. § 1332(A)**

6. This Court has jurisdiction over this matter under 28 U.S.C. § 1332(a) because there is complete diversity of citizenship between Plaintiff and Defendant and more than \$75,000, exclusive of interest and costs, is at stake.

Diversity of Citizenship

7. In the Petition, Plaintiff alleges that it is a New York corporation with its principal place of business in New York, New York.

8. Defendant is a citizen of Missouri.

9. Therefore, there is complete diversity between Plaintiff and Defendant in this action.

Amount in Controversy

10. Plaintiff seeks confirmation of an arbitration award in the amount of \$88,700.

11. The amount in controversy, exclusive of interest or costs, exceeds the sum or value of \$75,000. 28 U.S.C. § 1332(a).

III.

ALL PROCEDURAL REQUIREMENTS HAVE BEEN MET

12. All Defendants who have been served join in and consent to this removal in accordance with 28 U.S.C. § 1446(b).

13. Pursuant to 28 U.S.C. §§ 1446(a), 1447(b), and 1449, a copy of all process, pleadings and orders from the State Court Action which have been served on Defendant and are known to be part of the record in the State Court Action are attached to this Notice as **Exhibit E**.

14. No jury demand was made in the State Court Action.

15. This Notice is timely filed pursuant to 28 U.S.C. § 1446(b). Defendant files this Notice within 30 days of receipt of Plaintiff's Petition, which was served on defendant on March 20, 2019. *See Exhibit C*.

16. Upon filing this Notice, Defendant will provide written notification to Plaintiff and will file a copy of this Notice with the Supreme Court of the State of New York, County of New York.

17. Venue is proper in this Court pursuant to 28 U.S.C. § 1441(a), because the state court where the action has been pending (Supreme Court of the State of New York, County of New York) is located in this District and division.

**IV.
CONCLUSION**

By this Notice, Defendant does not waive any objections she may have as to service, jurisdiction or venue, or any other defenses or objections she may have to this action. Defendant intends no admission of fact, law or liability by this Notice, and expressly reserves all defenses, motions and/or pleas.

Dated: April 16, 2019

Respectfully submitted,

STECKLER GRESHAM COCHRAN PLLC

/s/ Bruce Steckler

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CERTIFICATE OF SERVICE

I hereby certify that on April 16, 2019, a true and correct copy of this Notice of Removal, and all attachments thereto, have been served on counsel of record in compliance with Federal Rule of Civil Procedure 5(b)(2).

/s/ Bruce Steckler

Bruce Steckler